Occupational Health and Safety

2012/13

Annual Report

Occupational Health and Safety Division
Labour and Advanced Education
Fiscal Year April 1, 2012 to March 31, 2013

Labour and Advanced Education

Occupational Health and Safety Division

For an electronic copy of this Annual Report, or for more information related to occupational health and safety, please visit our website at www.gov.ns.ca/lae/healthandsafety or call toll free at 1-800-952-2687.

For specific questions pertaining to this report, please contact the Executive Director at: ohsdivision@gov.ns.ca

CONTENTS

Introduction 1

Executive Summary 3

Glossary of Terms 4

Activities 5

Organizational Overview 10

Initiatives 13

Operational Directives, Activities & Performance 17

- Operational Highlights 17
- Divisional Activities 18
- Compliance with the *OHS Act* and Regulations 20

Appendices 21

- Appendix A: OHS Division Organization Chart 21
- Appendix B: Public Trust Fund 22
- Appendix C: Major Funding Disbursements 24
- Appendix D: Key Divisional Activity Statistics Detail 26
- Appendix E: Prosecution Activity 30

INTRODUCTION

This is the report from the Occupational Health and Safety Division (the "Division") to the Occupational Health and Safety Advisory Council for the period April 1, 2012 to March 31, 2013. Submitted annually, this report provides a review of the Division's activities and administration of the *Occupational Health and Safety Act* (the "*Act*") and associated programs. It also satisfies the statutory requirement, under subsection 9(f) of the *Act* which states: "The Division shall annually, submit to the Advisory Council a report on a review of this Act."

Where injury data is presented, the Division is not necessarily the sole source of the data. Consequently, the Division cannot answer accurately, or in detail, as to the method of collection, standard of measurement, data quality or trends reported by the source agencies (Atlantic Provinces, Workers' Compensation Board (the "WCB") and the Federal Government of Canada). If such information is required, the reader is encouraged to contact the organizations from which the data was obtained.

OHS Division Mission and Objectives:

Mission:

To establish, promote and enforce clear standards to reduce occupational injury and illness.

The Division's mission is accomplished by applying both regulatory and non-regulatory compliance tools such as public education and communications, standard setting, codes of practice, promotion of partnerships and stewardship agreements, and economic instruments.

Objectives:

Three (3) key objectives were identified by the Division and continue to be acted upon:

1. Together with our partners, reduce the incidence of injury and illness of employees.
2. Improve the understanding of occupational health and safety standards by all workplace parties; and
3. Improve health and safety conditions in the workplace by means of promotion, research, inspection, investigation and enforcement of laws.

To help achieve these objectives, the Division continued to:

- support and encourage the use of the internal responsibility system (IRS);
- deliver a program aimed at improving the understanding of occupational health and safety standards by all workplace parties;
- develop regulatory management practices which follow best practices and focus on continuous improvement, in consultations with stakeholders;
- develop and implement risk-based models for delivery of occupational health and safety;
- prepare and maintain statistics and information related to occupational health and safety;
- develop revisions to, and drafted consolidation of, occupational health and safety laws and policies;
- support research in matters related to occupational health and safety;
- publish reports, studies and recommendations;
- support the tripartite system of employers, employees and government to share in decision making as it affects occupational health and safety; and
- administer consistently, with all clients, all health and safety-related Acts and Regulations.

Internal Responsibility System:

The *Act* recognizes that all workplace parties must be held accountable for health and safety. The Internal Responsibility System (IRS) is the foundation of the *Act* and it prescribes the legislated rights and responsibilities of the workplace parties regarding health and safety. It presumes that there is a set of values, beliefs and attitudes in a workplace, and that there will be meaningful cooperative action to resolve occupational health and safety issues. The Division plays a supportive role in the IRS and is responsible for establishing and clarifying the responsibilities under the law. The Division promotes and enforces the Act and Regulations and will intervene appropriately when workplace parties do not carry out their respective responsibilities.

EXECUTIVE SUMMARY

The Occupational Health and Safety Division had a very active year, which will set a new agenda for the years to come. Having completed all the activities outlined in the 2005 OHS Priority list, the Division embarked upon an effort, in cooperation with the WCB, to establish a new Workplace Safety Strategy (the "WSS") for the five year period between 2013 and 2017. This strategy was based on the vision that, "Together, workers and employers will make Nova Scotia the safest place to work in Canada". It involved broad consultation across the province with stakeholders and Occupational Health and Safety (OHS) professionals and resulted in establishing six strategic priorities, namely Leadership, Safety Culture, Small and Medium-sized Businesses, Education and Training, Inspection and Enforcement, and Performance Management and Measurement. The strategy was approved by Cabinet and launched at the Safety Services Nova Scotia Annual Health and Safety Conference in March 2013.

One significant message that was heard from our stakeholders during the WSS consultation was that a review of the Administrative Penalty Regulations was required. There was general agreement that a penalty system for non-compliance with OHS regulations was useful and needed; however, stakeholders reported that the current application is inconsistent and not well understood. A consultative process began in February 2013 with the release of a discussion paper and sessions were conducted to obtain feedback. That process will continue into the new fiscal year with anticipated regulatory changes in the Fall 2013.

In addition, the Division has also been actively engaged in a complete review of all the remaining OHS Regulations. This has culminated in a project to consolidate all the regulations into a single document, with the exception of Underground Mining Regulations, which will remain as a stand-alone document due to its limited application. On March 12, 2013, Cabinet signed an Order- in- Council to establish the Workplace Health and Safety Regulations (the "WHSR"). The initial document includes a definitions and application section, as well as sections regarding occupational health, fall-protection, scaffolding, work requiring rope access, and temporary work on highways. Two more phases of revision are anticipated to complete the new document, at which point all OHS Regulations will have been reviewed and updated. Internal and public consultations are critical to this effort.

In terms of compliance activities, the Division has attempted to improve its visibility in the field through a greater presence in the community and a targeting pilot project, in cooperation with WCB, of manufacturing and health care facilities. The number of activities conducted in 2012/13 was up slightly from the previous year and it is anticipated that this trend will continue in 2013/14 with an expansion of the targeting project and a series of planned sector inspection blitzes.

Over the past year, the Division endeavored to predict more accurately which industry sectors need a stronger emphasis by OHS staff and improved regulation to ensure the health and safety of its workers. The current system of reviewing lagging indicators such as the number of fatalities and injuries, or lost time incidents, needs to be improved. Better recording analysis of the statistics related to workplace accidents and incidents will help to position OHS education and enforcement resources more effectively. In 2011, the Division reported 27 fatalities (6 acute, 21 chronic) and in 2012, 32 people were reported to have died in work related incidents (10 acute, 22 chronic). Acute fatalities are those as a result of a traumatic injury, whereas chronic is a result of industrial disease or a medical condition. The variability of factors involved makes it very difficult to identify trends and root causes.

Finally, in 2012, the Auditor General announced a planned audit of the Division that would begin in the summer of 2013. The Division looks forward to working with the Auditor General and his staff to identify those areas that are working well, and those that require some attention. The audit comes at a pivotal time and will complement the many initiatives that are already underway in the Division.

GLOSSARY OF TERMS

Name/Acronym	Explanation
Act	Occupational Health and Safety Act
Advisory Council	Occupational Health and Safety Advisory Council
Department	Department of Labour and Advanced Education (also see "LAE")
Division	Occupational Health and Safety Division of LAE
HRSDC	Human Resources and Social Development Canada – Labour Program
IRS	Internal Responsibility System *(the foundation of the OHS Act)*
ITIS	Investigations, Technical and Internal Services (OHS Division)
JOHSC	Joint Occupational Health and Safety Committee
LAE	Department of Labour and Advanced Education
OHS	Occupational Health and Safety
SIC	Standard Industrial Classification *(a number assigned to companies within the same industry)*
WAP	Workers' Advisors Program
WCAT	Workers' Compensation Appeal Tribunal
WCB/WCBNS	Workers' Compensation Board of Nova Scotia
WSIS	Workplace Safety and Insurance System comprising the Division, WCB, WCAT, WAP, and, participating as appropriate, HRSDC

Inspections & Investigations

In this year, 8 Inspectors and two Investigators, representing 24% and 40% of the Division's resources, completed the New Officer Training Program (NOTP). The NOTP consists of 6 months combined classroom instruction and mentoring, which was established to ensure that OHS Officers are fully prepared to execute their statutory duties. The number of inspections and investigations conducted by the Division increased modestly over the previous year:

- # of Division (overall) Activities *increased* approximately 10%
- # of Activities Per-Officer increased approximately 9%
- # of Appeals (Officers' Decisions) *increased* approximately 60%
- # of Appeals (Director's Decision) *increased* approximately 1100% (increased from one appeal to 12).

Based on summary data produced from the IRS Checklists compiled by officers during inspection activities, there was an increased level of compliance in 60% of the measured areas compared to the last reporting period.

During this period (from April, 2012 to March 2013), eight active investigations led to charges and prosecutions. These are covered in more detail under Prosecutions and Appeals. There were also a number of other investigations as well as a Mass Work Refusal & Discriminatory Action complaint that took place, some of which commenced in the previous year.

There have also been incidents whereby investigations conducted by OHS Investigators that have not been prosecuted and have been investigated by other entities e.g. RCMP & HRSDC.

It is important to note that there are several significant investigations that occurred in this time frame that remain ongoing that have not yet been finalized, this includes 3 fatalities and 2 electrocutions.

Compliance Promotion

The Division maintains a toll free telephone line, which receives workplace safety reports/complaints as well as requests for information and clarification of the OHS regulations. The information specialist responds to queries or provides information and clarification in a timely manner, usually within 5 working days. The Information specialist will respond to an average of 10 queries per day.

In order to ensure an understanding of the regulations and to promote a safe and healthy work environment, the Division has created and distributes a variety of promotional material describing the workplace parties' responsibilities under the Act and providing practical guidance in many industries such as farming, forestry, fishing, film, etc. Officers will normally distribute appropriate materials during an inspection and encourage workplace parties to visit the OHS Website at www.novascotia.ca/ohs for more information.

The Division continued to make efforts to educate the public on their responsibilities under the Internal Responsibility System through several dozen province-wide presentations to individual organizations, workplaces, industry associations and conferences. The topics ranged from general requirements to regulation-specific topics, such as fishing, farming and contact with utilities.

Additional education/information sessions and activities led by division staff relate to the following:

- Provision of an e-Newsletter distributed to clients and stakeholders province-wide. The intent of the e-Newsletter is to increase OHS awareness and keep readers abreast of hazards brought to the attention of the Division, emerging issues and trends, general and legislative updates, etc.

- Distribution of pamphlets and information cards explaining administrative penalties. Additional pamphlets were created and distributed to workplace parties during OHS officer inspection activities. These pamphlets describe what an officer looks for during an inspection and also how to recognize and respond to workplace hazards. This information was also included on the Division's primary website as well as the OHS Knowledge Base website.

- Three Hazard Alerts were developed and circulated/recirculated to clients and stakeholders through the Division's e-Newsletter and websites relating to:

    - Patient and resident lifts
    - Dewalt angle grinder
    - Portable folding scaffold

- The Division enhanced its free on-line OHS training program. Courses are delivered in partnership with the Canadian Centre for Occupational Health and Safety (CCOHS) and provide up-to-date and relevant topics in both health and safety. Most courses are 1 – 2 hours in length and can be completed entirely online. A maximum of 6 courses per individual per calendar year on any health and safety topic listed on our website is available to residents of Nova Scotia. Access is made easy through our website at http://novascotia.ca/lae/healthandsafety/video/

- The Fishing Safety Improvement Working Group is composed of safety, regulatory, training and industry stakeholders and has created a plan to increase Occupational Health and Safety awareness for the sector through presentations/wharf visits and communication support in coastal communities. In phase one of the plan, the OHS Division, WCB, Fisheries Sector Council, Fisheries Safety Association of Nova Scotia and Industry leaders are working to promote Safety within the Fishing Industry, the first priority being to increase on board use of personal flotation devices (PFD).

Enforcement

ADMINISTRATIVE PENALTIES

Administrative penalties were added as a regulatory tool in 2010 to help promote and improve workplace safety in Nova Scotia. Penalties were issued to workplace parties for contraventions of the Act and /or Regulations.

For the 2012/13 fiscal year, 452 administrative penalties were issued, the monetary amount of which totaled approximately $365,000, and this compares with 996 penalties issued for a total of $683,133 in 2011/12. The decrease in administrative penalties has resulted from an increased focus on limiting administrative penalties to areas where there is a significant safety risk in response to stakeholder feedback.

While many Nova Scotians support the concept of administrative penalties, there have also been a number of identified issues. Those issues include the need for increased education, improved relationships, solutions for small businesses, and predictability within the system.

Stakeholders were invited to participate in in-person consultation sessions to provide their ideas for improvement. Sessions were held throughout February 2013 and a Discussion Paper was also posted for public comment until March 6th, 2013.

PROSECUTIONS

The table on the following page lists the convictions based on the successful prosecution of violations of the *Act* and Regulations over the last five years. These convictions are now being maintained and updated quarterly on the Department of Labour and Advanced Education website at: http://novascotia.ca/lae/healthandsafety/docs/OHSConvictionsApril2008-March2013.pdf

Accused	Convicted	Penalty/Sentence
5823 NWT Limited	Occupational Health and Safety Act 13(1)(a) (Duty of Employer)	Not sentenced as of reporting date
Aucoin, Andre Joseph	Occupational Health and Safety Act 17(1)(a) (Duty of Employee)	Not sentenced as of reporting date
Charlesville Fisheries Limited	Occupational Safety General Regulations 9(1) (Personal Protective Equipment)	$77,600 fine plus $5,000 alternative fine
Gray, James I.	Occupational Health and Safety Act 13(1)(a) (Duty of Employer)	$2,000 fine plus $300 victim surcharge
Leonard George Stuart operating as Lenny's Auto Centre carrying on business as Leonard G Stuart Construction	Occupational Health and Safety Act 13(1)(a) (Duty of Employer)	$11,000 fine plus $1,650 victim surcharge
Les Moineaux Fisheries Incorporated	Occupational Safety General Regulations 9(1) (Personal Protective Equipment)	$50,000 fine
Ligni Bel Ltd.	Fall Protection and Scaffolding Regulations 7(1) (Fall Protection Required)	$5,000 fine plus $750 victim surcharge
McPhee, Darren	Occupational Health and Safety Act 15(a) (Precautions to be taken by Constructors)	Not sentenced as of reporting deadline
Ramar Construction Ltd.	Occupational Health and Safety Act 55(4) (Orders and consequences of orders)	$1,500 fine (including costs)

Following the investigation of five separate incidents, several charges have been laid under the Occupational Health and Safety Act. The results of the proceedings will be published when the court action is complete.

Committees

In addition to their regulatory duties, Division staff participate on many committees and project initiatives to consider and issues related to Occupational Health and Safety. The following is a list of the major committees and projects that were supported in 2012/13:

- Advisory Council - OHS
- Advisory Group on Radon
- Administrative Penalty Working group
- Better Business Initiative
- Canadian Chief Mine Inspectors Committee
- Critical Incident Stress Management (CISM)
- CRSP Committee
- Canadian Standards Association (CSA) Technical Committees:
  - Aerial Devices
  - Industrial Protective Headwear
  - Injury Risk Assessment and Management
  - Machinery Lockout and Hazardous Energy Control
  - Occupational Hearing Conservation
  - Portable Ladders
  - Industrial Lift Trucks
- Film Nova Scotia
- Fisheries Safety Association of NS
- Fishing Safety Working Group
- Forestry Safety Committee
- Enforcement Training Team
- John T Ryan Committee
- Joint Occupational Health and Safety Committee (JOHSC)
- New Officer Training Program (NOTP)
- NS Farm Health and Safety Committee
- NS Trucking Safety Association
- NS/NB Mine Rescue Standards Committee
- One Window Mining
- Safety Service NS – Board of Directors
- Society of Farm Safety NS
- Workplace Safety and Insurance System (WSIS)
- Workplace Safety Strategy

Division Structure

OVERVIEW

To meet its objectives, the OHS Division has been organized into two sections: Investigations, Technical and Internal Services (ITIS), located centrally in Halifax, and Inspection and Compliance Services (ICS), divided into three regions.

TECHNICAL SERVICES

The Technical Services section provides technical expertise in the areas of Occupational Hygiene, Mining, Blasting, Radiation, Oil & Gas, and Paralegal services.

In addition to these core competencies, Technical Services staff respond to a broad range of technical queries on topics that require in-depth research and competence in areas of chemistry, physics, mechanics, electricity and electronics. Questions of compliance with the occupational hygiene and technical requirements of the "*Act*" and Regulations often require fast turn-around of responses to workplace queries and incidents so that workplaces can continue to operate effectively, while ensuring the health and safety of persons at or near the workplace. A staff paralegal is available to conduct legal research and prepare case files in support of appeal matters and legal proceedings. In 2012/13, the section established a two year apprenticeship program to address a staff shortage in Occupational Hygiene. This program was successful and by the end of the reporting period, the Division had 5 Occupational Hygienists in the field.

INVESTIGATIONS UNIT

The Investigations Unit conducts investigations of serious workplace incidents. Examples include: work-related fatalities, serious injuries, toxic exposures and discriminatory actions. These span all 18 provincially-regulated sector areas including industrial, construction, institutional, forestry, fishery, and mining as assigned. This unit was originally established in 2010 to take the burden of protracted and complicated investigations off the shoulders of the inspectors to allow them to spend more time in the field. By the end of this reporting period, the unit was fully staffed with a Manager and five investigators. The investigators are distributed across the province to allow quicker response time when responding to workplace accidents and incidents.

INTERNAL SERVICES

The division is supported by a number of staff who provide essential support services to the general public and to the field staff. In addition to administrative support, this section provides IT Technical support to the office and field staff, Information Specialist services that answers public queries on our toll free information line, and a Policy and Research Officer. Also, while not directly reporting to the Manager of Internal Services, the Division is also supported by a Quality Assurance/Project Manager.

Internal Services is the administrative and technical support section that ensures all incoming calls, inquiries, and requests to the OHS Division are responded to in a timely manner.

This section is also responsible for ensuring that the division's Activity Tracking System is functional 24/7, thus enabling staff to record and track activities such as inspections, investigations, education/consultation and other pertinent information.

Internal Services staff produce statistical and operational reports and assist with policy review and development, while working with stakeholders such as WCB and other government and non-government entities to monitor trends within the various industry sectors.

INSPECTION AND COMPLIANCE SERVICES

The visible face of the Division is the OHS Inspectors. There are 31 inspectors located at 9 field offices throughout the province, reporting to three Regional Directors located in Halifax (Central Region), Kentville (Western Region) and Sydney (Eastern Region). These officers provide core services to promote safe and efficient work practices, which include ensuring compliance with existing regulations, codes and standards under the Occupational Health and Safety Act.

Inspectiors endeavor to interact positively with workplace parties to identify health and safety hazards which employees are subjected to in the work environment, educate workplace parties on their responsibilities under the internal responsibility system, and clarify the requirements of the applicable regulations and standards.

STAFFING

STAFF COMPLEMENT

The Division has the following full-time equivalent (FTE) staff positions to ensure its priorities are appropriately and adequately met:

Position	# of Staff
Executive Director, OHS Division	1
Provincial Director, ITIS	1
Regional Directors	3
Managers	3
Quality Assurance/Project Manager	1
Special Investigators	5
OHS Officers	31
Occupational Hygienists	4
Apprentice Occupational Hygienist	1
Mining Engineers	2
OHS Engineer	1
Policy Officer	1
Administrator, Administrative Penalties	1
IMS Administrator	1
Computer Services Officer	1
Information Specialist	1
Paralegal	1
Administrative Support	7

Visit *Appendix A - OHS Division Organization Chart* for the Division's organization structure.

STAFF DEVELOPMENT

Several staff participated at various conferences during this fiscal year, including:

- Partners in Prevention Conference (Mississauga);
- Safety Services Nova Scotia Annual Conference;
- AIHA Conference (Nova Scotia); and
- CSSE Conference (Niagara Falls).

Staff members were supported to enroll in OHS Certificate, Quality Management and Policy Formulation programs at local Universities. Staff also participated in various in-person and webinar educational sessions.

Two training sessions were held for staff to ensure the consistency of services provided and to update the Officers on current and future changes to legislation, policy and procedures. The first event concentrated on current events, the proposed amalgamation of regulations and sought Division input on the Workplace Safety Strategy. The second event concentrated on case studies presented by the officers, as well as respiratory protection. During both training sessions, staff discussed areas of common interest and concern. They also reviewed legislation to ensure a common interpretation of the regulations and the responsibilities of workplace parties and OHS Division staff.

During the period, 10 new staff completed one of two six month New Officer Training Programs, which includes a period of mentoring by a senior OHS Inspector, where appropriate.

Further, one of our mining engineers was asked to participate as an expert advisor in the area of regulation and enforcement related to OHS standards in the coal mining sector on a mission to the Ningxia Autonomous Region of China. This province has the fifth largest coal producing capacity and is faced with severe Pneumoconiosis problems. While in China, the engineer met with Chinese delegates and visited several underground coal mining operations. He advised them on OHS regulations and standards for underground mining in Nova Scotia. This was an excellent opportunity to assist another country, while broadening our own exposure to this industry.

Workplace Safety Strategy

As part of the development of the 2013 – 2017 Workplace Safety Strategy for Nova Scotia, a number of stakeholder consultations were held between March and July 2012. This ongoing activity is a joint project sponsored by the WCB and the Nova Scotia Department of Labour and Advanced Education (LAE).

A total of 26 face to face consultations were conducted including but not limited to:

- Workshops at the Annual NS Safety Services Conference
- Internal Consultations with LAE & WCB staff and management
- Consultations with other interested stakeholders from NS Government departments other than LAE
- The WCB Board of Directors and the NS OHS Advisory Council
- Other stakeholder groups that are part of the NS Occupational Health and Safety System including Safety Associations, Worker and Employee based Committees, and the Nova Scotia Federation of Labour
- Regional Consultations in Kentville, Bridgewater, Truro and Sydney

Stakeholders were also invited to complete paper or electronic questionnaires and to submit open feedback in a format of their own choosing.

From the questionnaires, group discussions, and submissions, notes were collated. Early in the consultation process a number of common themes began to emerge. These themes were narrowed to a total of 6 specific themes:

1. Leadership
2. Education / Training
3. Performance Indicators
4. Inspection / Enforcement
5. Workplace Culture and Behaviours
6. Small / Medium Workplaces

These themes also became the main topics for the project's research efforts. In addition to these 6 topics, 4 cross-cutting topics were also researched:

1. Demographics and Labour Market Shifts
2. Jurisdictional Scan
3. Analysis – Nova Scotia OHS Performance (not included below)
4. Strategic Plans – Other Jurisdictions (not included below)

An additional theme which has been called "System Framework" has been added to include feedback on elements of the Workplace Safety system that stakeholders commented on.

These topics have been used to categorize the feedback received from the consultation effort. Under each topic, sub-topics were chosen based on the feedback and the following analysis represents the topics and sub-topics most frequently mentioned by stakeholders. The categorization of the feedback is subjective with many comments cutting across more than one topic. The topics are also inter-

related to each other, but the end result is a representation of what stakeholders felt was important and talked about most.

The WWS was officially launched in March 2013. Based on the 6 specific themes, Working Groups will be formed to address several initiatives that were identified under each of the initiatives. In future reports, the Division will identify those initiatives that it will be contributing to, with a synopsis of the progress made. More information on the WSS can be found in the brochure at: http://novascotia.ca/lae/documents/WorkplaceSafetyStrategy.pdf or visit the website at: http://www.workplacesafetystrategy.ca/.

Legislation & Policy Development

WORKPLACE HEALTH AND SAFETY REGULATIONS

The Division completed the first phase of a project designed to develop new Workplace Health and Safety Regulations (WHSR) that will make it easier for Nova Scotians to access information and regulations about workplace health and safety. Currently, an employer may have to reference several regulation documents to access information on how to make their workplace safe. With the new consolidated WHSR, employers will be able to easily search for current information in one document, and if reading an electronic version, use of an online search tool will provide information in a timely and accessible manner.

A key element included in the development of the WHSR is a change to how the regulations will adopt standards. There are many different standards-writing organizations, but wherever possible, Nova Scotia will refer to standards prepared by the Canadian Standards Association (CSA). The standards are reviewed and either revised or reconfirmed on a five year cycle. This ensures that they remain current and incorporate the latest in technology and safety considerations. The review is undertaken by a technical committee composed of representatives from employers, employees, manufacturing industry and regulatory bodies. The OHS Division participates in at least ten of these committees to ensure that Nova Scotia is well represented. Once revised, these standards are subject to public review. OHS regulations already adopt over 50 CSA standards; however, many of the references are out of date. In order to ensure currency, consistency and to reduce barriers to cross border trade, all Standards will be referenced as the latest version. To avoid a problem with "re-tooling" whenever a revised standard is published, equipment will only have to conform to the Standard that was in effect on the date of manufacture, unless it is unsafe to do so. By referring to the latest version of adopted Standards, Nova Scotia will be the second jurisdiction in Canada to do so.

Another feature of the revised regulations is a provision for an engineer, licensed to practice in Nova Scotia, to be able to certify the use of equipment in a manner other than allowed for by either the Standard that is referenced in the regulation, or the manufacturer's specifications. This will avoid the requirement and time delay involved in submitting a deviation request to the Director. An engineer may not; however, certify equipment for a use other than required by the regulations. In this instance, a deviation request to the Director is required.

These new regulations will be a consolidation of all general application health and safety regulations. Previously, there were 13 different regulations administered under the "Act", many of which are applicable in all workplaces (Underground Mining Regulations will continue to stand alone). The following activities (Phase 1) were completed and approved by an Order in Council from Cabinet on March 12, 2013 to become effective on June 12, 2013:

Occupational Health and Safety Regulations, made under the Health Protection Act, before the "Act" was created, were migrated to WHSR as part of the consolidation project. This effectively transferred authority from Health and Wellness to Labour and Advanced Education.

Following a jurisdictional analysis and comprehensive stakeholder consultation, government revised the ***Fall-Protection and Scaffolding Regulations***, including other elevating work platforms, and incorporated them into WHSR. The new regulations are more streamlined, flexible in reference to standards and manufacturer's specifications and comprehensive (includes additional platforms that heretofore required a deviation). The fall-protection part includes a requirement for comprehensive training every three years, proof of that training and a requirement to develop a safe-work procedure or fall-protection plan depending upon the working height associated with a risk of falling.

WHSR also included a new regulation for ***Work Requiring Rope Access***, a new, yet un-regulated area of work. To this point, the rope access technicians were very strictly industry regulated, but to perform their tasks required a deviation from the Director. Nova Scotia is only the second jurisdiction in Canada to regulate this growing industry.

Temporary Workplace Traffic Control Regulations were migrated to WHSR and the title was changed to Temporary Workplace on Highways. The regulations include provisions for an employer to develop a safe-work procedure for any type of work that is conducted on or near a highway. The original provisions for temporary workplace traffic control for construction, utility and maintenance work remain in place.

Several housekeeping changes were also made to the Occupational Safety General Regulations to ensure practices and language are current and consistent with the new Workplace Health and Safety Regulations. In total there were approximately 90 changes to these regulations that range from storage of piled material to actions that need to be taken around situations where there is risk of drowning.

The official announcement of the Workplace Health and Safety Regulations took place at the Safety Services Nova Scotia Annual Health and Safety Conference on March 20, 2013. The Order in Council and the revised regulations were immediately available on the Division's website and sent electronically to our distribution list. A series of public consultations and presentations to associations and special interests groups is planned for the three month period leading up to the effective date of the new regulations.

Work was also started on the review, revision and preparation of the expanded Occupational Health part of WHSR and migration of Occupational Diving, Blasting Safety, First Aid, Administrative Penalties, Confined Spaces, Surface Mining and Excavation and Trenching to WHSR for the next phase.

Information Technology/Management

The Division started User-Acceptance Testing (UAT) of Cognos, an IBM data warehouse package that has been integrated with the Activity Tracking System (ATS). Cognos will allow Division staff to create and run a variety of ATS reports through a web-based user interface, thus enhancing the accessibility and reliability of ATS data.

Efforts continued on a number of project enhancements to the ATS, including:

- The completion of preliminary work on the OHS data exchange for Temporary Foreign Workers with Citizenship Immigration Canada and Human Resources and Skills Development Canada (HRSDC);

- business requirements have been gathered and the upgrade of the link to the STAR/STOR records management program (Filenet) will ensure records in both, the ATS and the Central Registry office will comply with the retention schedule as required by corporate policy;

- amendments to Administrative Penalty Regulations are under review and are anticipated in fall 2013, which will result in report changes to ATS;

- user acceptance testing of Amanda Web was started in September and implementation is expected in late fall 2013;

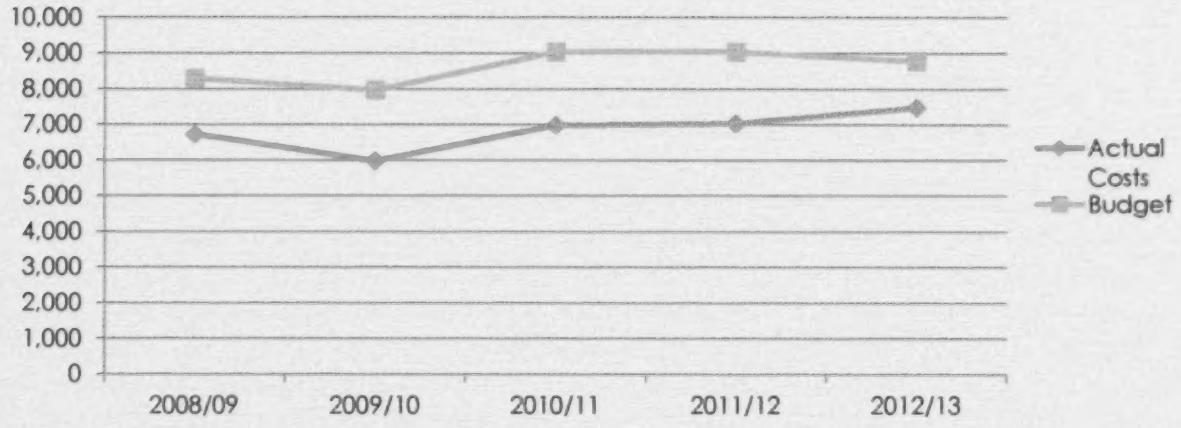
- an Administrative Penalty checklist was added to the ATS.

OPERATIONAL HIGHLIGHTS

RESOURCE MANAGEMENT

The Division's revenue came from two major sources – a statutory transfer from the WCB and an allocation from the Government's general funds.

DIVISION OPERATING COSTS

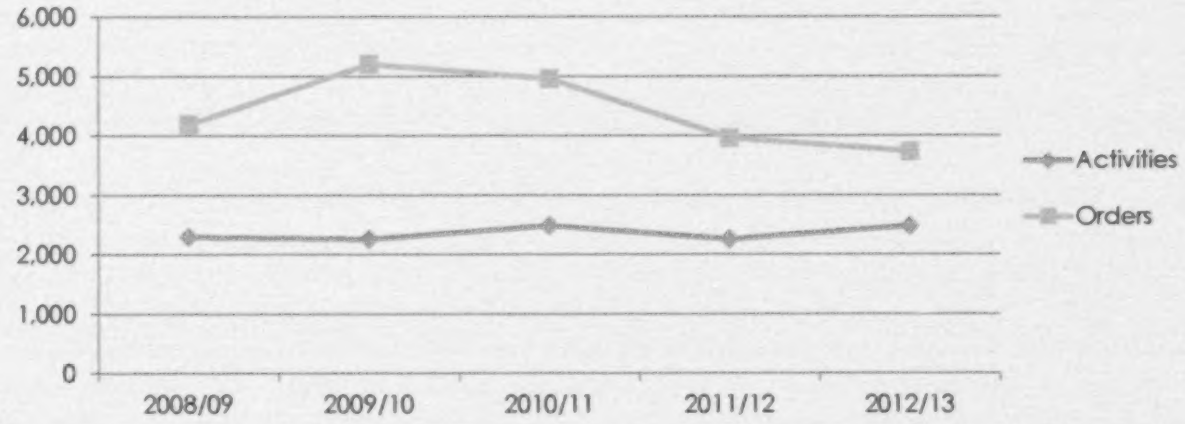


Data:	2008/09	2009/10	2010/11	2011/12	2012/13
Total Costs (Actual $000)	6,727	5,971	6,981	7,036	7,483
Budget	8,299	7,974	9,041	9,041	8,782

DIVISIONAL ACTIVITIES

The graph below depicts the number of activities (inspections/investigations) undertaken by the Division as well as the number of orders issued. Appendix D gives more detailed statistics.

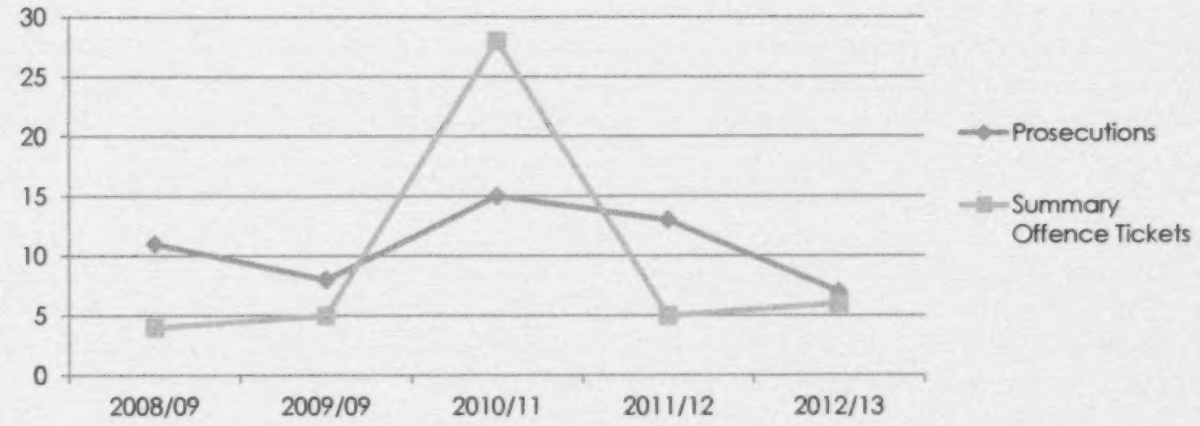
ACTIVITIES AND ORDERS



Data:	2008/09	2009/10	2010/11	2011/12	2012/13
Activities	2,297	2,259	2,489	2,258	2,481
Orders	4,189	5,204	4,961	3,964	3,738

PROSECUTIONS AND SUMMARY OFFENCE TICKETS

The graph below depicts the number of prosecution activities undertaken by the Division. *Appendix E* provides additional statistics.

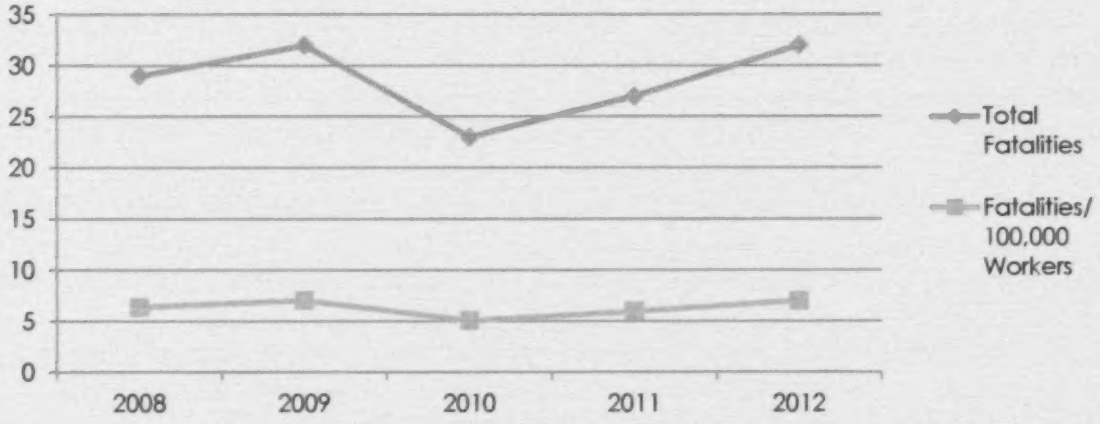


Data:	2008/09	2009/10	2010/11	2011/12	2012/13
Full-Form Prosecutions Initiated*	11	8	15	13	7
Summary Offence Tickets Issued*	4	5	28	5	6

*These statistics indicate the numbers of charges laid by Division staff, but not necessarily decided by the courts.

FATALITIES

These statistics are reported by calendar year. In 2012 there were 32 work related fatalities in Nova Scotia, an increase of five over 2011. The 2012 numbers indicate a fatality rate of 7.02 per 100,000 employees. This trend was extremely troubling to the Division with seven fatalities occurring in just over one month. This prompted the Minister of Labour and Advanced Education to issue a plea through the media on February 13th for all workplace parties to re-focus on safety and "take immediate action to avoid further injuries, illnesses and deaths in our workplaces". Despite the high numbers, the incidence of death due to acute injury (accidents) continues to be below the five year average. Division staff is working with all its partners and industry stakeholders to make Nova Scotia the safest place in Canada to live and work.



Description	5 Year Average	2008	2009	2010	2011	2012
Fatalities Recorded During the Year	29	29	32	23	27	32
Number of Fatalities Reported per 100,00 Employees[1]	6.3	6.4	7.06	5.08	5.96	7.02

WORKPLACE FATALITIES IN NOVA SCOTIA

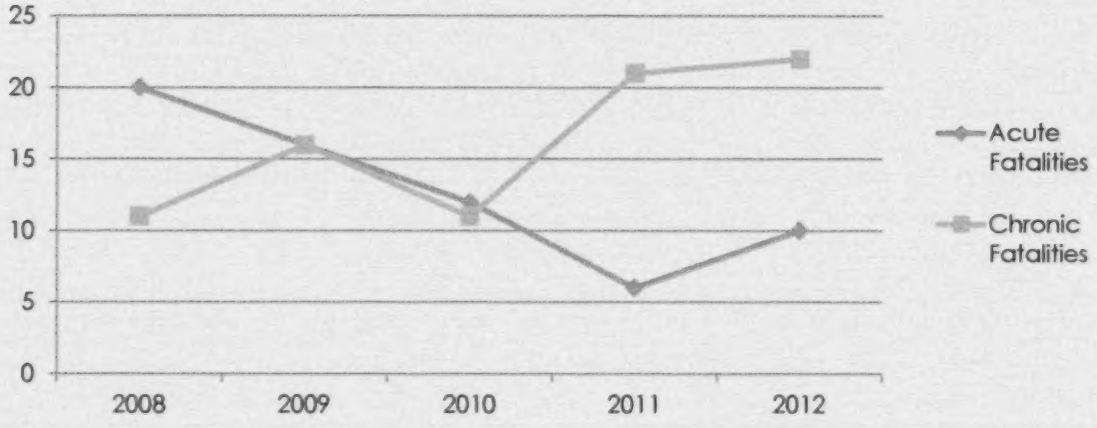
A workplace fatality is counted when all of the following are met:

1. The injury that caused the fatality occurred at a place that meets the definition of a "workplace".
2. At the time of the injury that caused the fatality, the deceased was:
    a. an employee of a company;
    b. a self-employed person; or
    c. neither an employee nor a self-employed person, but who, at the time of the fatality, was contributing to work at the workplace.
3. The injury that caused the fatality occurred:
    a. within the physical boundaries of Nova Scotia; or
    b. outside the physical boundaries of Nova Scotia, involving an employee of an organization or a self-employed person that fell under NS OHS legislation at the time of the fatality.
4. An acute fatality is one that occurs in a workplace as the result of a traumatic injury.

[1] Employment data from Statistics Canada

5. A chronic fatality is one that occurs in, or associated with, a workplace as a result of industrial disease or a medical condition.

Please note that the following values were obtained from a combination of reports to the OHS Division, WCB data, news releases, and other sources in which fatalities were being reported.



Description	5 Year Average	2008	2009	2010	2011	2012
Acute Fatalities	13	20	16	12	6	10
Chronic Fatalities	16	11	16	11	21	22
Total Fatalities	29	31	32	32	27	32

COMPLIANCE WITH THE *OHS ACT* AND REGULATIONS

COMPLIANCE BY OUTSIDE ORGANIZATION

Compliance with the "Act" and regulations by outside organizations is statistically monitored, primarily, through an IRS Checklist which is administered during certain categories of inspections.

The IRS Checklist results reveal the following summary statistics:

Internal Responsibility System Measure	% Meeting New Standard				
	2008/09	2009/10	2010/11	2011/12	2012/13
OHS Policy and Program Issues	71.3%	79.4%	83.6%	82.2	86.1
JOHSC Issues	67.1%	77.1%	80.3%	83.5	82.0
Communication and Information	59.0%	70.5%	75.2%	76.1	67.6
Training	63.3%	73.7%	80.7%	77.0	82.6
Records	69.0%	75.8%	79.6%	78.1	81.8

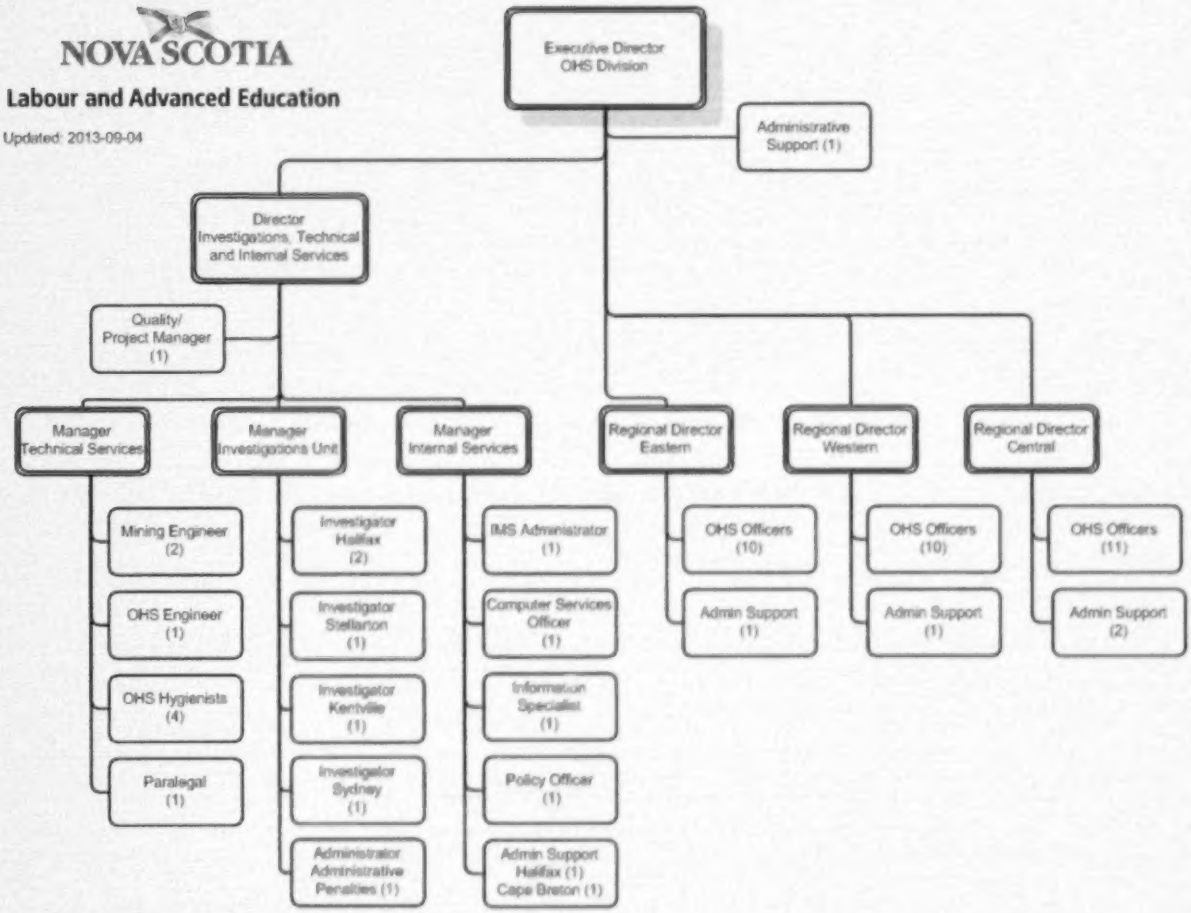
APPENDIX A: OHS DIVISION ORGANIZATION CHART

2012-13

NOVA SCOTIA

Labour and Advanced Education

Updated: 2013-09-04



APPENDIX B: PUBLIC TRUST FUND

On behalf of the Minister of Labour and Advanced Education, the Division administers the OHS Public Education Trust Fund as authorized by Order in Council 2010-351.

Typically, when offenders are charged by Division staff for violating OHS legislation, and subsequently convicted by the courts, a portion of the fine may be directed by the court to the Minister's Public Education Trust Fund. In turn, the Division directs all monies received for the purpose of public education and promotion related to occupational health and safety (as provided in sub-section 75(1)(b) of the *Occupational Health and Safety Act*) to a designated cost centre utilized only for the aforementioned purpose. The Trustees of the Fund are the following officials of the Department of Labour and Advanced Education: the Deputy Minister, the Executive Director and the Provincial Director (Investigations, Technical and Internal Services) of the Occupational Health and Safety Division.

After considering the purpose of funding requests and determining their compatibility with the intent of the Trust Fund, the Trustees are permitted to authorize disbursements for the following purposes:

1. advertising pursuant to sub-section 75(1) of the *Occupational Health and Safety Act*;
2. a specific purpose as directed by any court order that identifies how the funds are to be spent;
3. support for 'not for profit' organizations that have as part of their mandate public education and promotion related to occupational health and safety; and
4. support for organizations providing public educational services related to occupational health and safety.

The Trust Fund is administered to maximize benefit from the monies that have been credited to the account. Funding requests must be formally proposed and submitted to the Trustees, for review. Such proposals submitted are considered on their merit, taking into account the purpose for which the Fund was established, and in the chronological order that they are received.

Requests by organizations other than the Occupational Health and Safety Division must include provision for in kind contribution, at least equivalent to any amount requested. The Trustees of the Fund may authorize disbursements to the Occupational Health and Safety Division from the fund without a proposal and without limits. Any proposal that is granted funding from the Fund and accepted by the proponent must recognize the contribution from the Fund in any material produced or distributed. On completion of any work that is funded in part through the Fund, a report of the work must be submitted to the Occupational Health and Safety Division.

Persons or organizations seeking a grant from the Trust Fund may submit a written proposal to the OHS Division for review by the Trustees.

Organizations in receipt of the funds must maintain a separate account which may be subject to audit by the Occupational Health and Safety Division.

In 20121/13, two (2) parties convicted in court were ordered to pay an amount to the Fund, details of which are as follows:

Organization	Value ($)
Maritime Fence Limited	$21,250
G & Y Carpentry	$5000

As of March 31, 2013, there was $112,098.72 available for disbursement from the fund. Disbursements from the Fund in 2012/13 are included in those listed in *Appendix C – Major Funding Disbursements*.

APPENDIX C: FUNDING DISBURSEMENTS

Though some are from different sources, the majority of disbursements listed below come from the Director's Discretionary Fund, which is supported by WCB allocations to the OHS Division, and the Minister's Education Trust Fund.

CANADIAN CENTRE FOR OCCUPATIONAL HEALTH AND SAFETY (CCOHS)

A Canadian federal government agency based in Hamilton, Ontario, CCOHS supports the goal of eliminating Canadian work-related illnesses and injuries. Similar to past years, the Nova Scotia Division contributed with other Canadian jurisdictions on a per capita basis to maintain the free Inquiry Service operated by the CCOHS. The amount (discretionary grant) provided by the Division was $24,000.

SAFETY SERVICES NOVA SCOTIA

Safety Services Nova Scotia was founded in 1958, under the name "The Nova Scotia Highway Safety Council", as a private, non-profit, non-government organization. Its mission is to be the centre of excellence for safety and health, making this a way of life. The Division partnered with WCB and each contributed $15,000 as major sponsors to assist SSNS in holding its annual safety conference. A further grant of $3150.83 was allocated to sponsor 3 Nova Scotian High School students to attend the conference to raise youth awareness regarding workplace health and safety.

DAY OF MOURNING

The National Day of Mourning recognizes each April 28 as a day of reflection for people who have been injured or killed at work. The Province hosted the annual ceremony and reception at Province House.

NORTH AMERICA OCCUPATIONAL SAFETY AND HEALTH WEEK

This is an annual event to draw attention to workplace health and safety. This year, the OHS Division provided a discretionary grant in the amount of $1,500 to help support events planned throughout the province.

CANADIAN SOCIETY OF SAFETY ENGINEERING (CSSE)

The Division provided a discretionary grant in the amount of $3,000 to the Western Nova Scotia Chapter of CSSE in support of a Safety Symposium conducted in the Western Region of Nova Scotia.

FILM INDUSTRY HEALTH AND SAFETY COMMITTEE

The Division provided a discretionary grant in the amount of $1,000.00 to assist with safety initiatives engaged by the Film Industry in cooperation with the Department of Labour and Advanced Education.

CANADIAN NATIONAL INSTITUTE FOR THE BLIND (CNIB)

In 2011/12, the CNIB received funding support from the Minister of Labour and Advanced Education's OHS Public Education Trust Fund in the amount of $25,000. The money was used to fund eight (8) education sessions conducted across Nova Scotia between January and May 2012, to raise awareness of eye protection in the workplace and reduce the risk of injury. The workshops were conducted with support from the WCB and NSCC. Given the success of the program and the number of requests from industry for additional sessions, a further $17,000 was granted to CNIB to expand its program, which will run through to the end of 2013.

NOVA SCOTIA CONSTRUCTION SAFETY ASSOCIATION (NSCSA)

The NSCSA was granted $20,000 from the Education Trust Fund to assist in the development of a Formwork Code of Practice that will be used in the construction industry across Nova Scotia.

NATIONAL RADIATION SAFETY ASSOCIATION

The National Radiation Safety Association was provided with a grant of $15,000.00 to assist in the development of an on-line *X-Ray Safety Awareness for Veterinary Medicine* course. This course will give Veterinary practices in Nova Scotia much needed tools to help ensure that X-ray related radiation hazards are safely managed.

Divisional Activities

FIELD ACTIVITIES

Tracked Activity	Quantity				
	2008/09	2009/10	2010/11	2011/12	2012/13
Inspections Coded within ATS System					
Ad Hoc Inspections	356	398	597	605	930
Client Request	55	41	32	41	9
External Request	7	7	6	5	4
Internal Request	2	11	10	21	13
Scheduled (formerly "Re-Inspections")	97	96	119	27	25
Targeted Inspections	282	395	419	416	273
Complaints Investigated	912	929	969	861	836
Incidents Investigated	200	282	276	244	351
Other				1	2
Work Refusals Investigated	265	34	14	6	4
Discriminatory Action Complaints	92	34	47	31	34
Total Field Activities:	2,297	2,259	2,489	2,258	2,481
Field Staff Full-time Equivalents Available	25	25	24	34.5	37
Field Activities Per Officer:	92	90	104	65	67
Appeals					
Appeals of Officer Decisions	9	22	32	20	32
Appeals of Director Decisions	6	7	9	1	12
Total Appeals	15	29	41	21	44
Prosecutions and SOTs					
Full-Form Prosecutions Initiated	11	8	15	13	7
Summary Offence Tickets Issued	4	5	28	5	6
Total Prosecutions and SOTs	15	13	43	18	13

ORDERS ISSUED

Category	Issued				
	2008/09	2009/10	2010/11	2011/12	2012/13
Orders Issued Under the Acts					
Stop Work Orders	68	97	110	123	91
Deviations Granted	44	31	45	41	49
Codes of Practice Required Under the Act	19	16	15	16	33
Total OHS Act Orders (incl. Stop Work)	1,183	1,479	1,693	1,306	1,313
Orders Issued Under the Regulations					
Blasting Safety Regulations	10	25	17	16	15
Fall Protection & Scaffolding Regulations	446	415	388	311	323
First Aid Regulations	439	492	439	323	317
Occupational Diving Regulations	0	0	14	35	8
Occupational Health Regulations	16	21	29	29	12
Occupational Safety General Regulations	1,491	1,922	1728	1453	1286
Temp. Workplace Traffic Control Regs.	32	57	27	32	45
Underground Mining Regulations	45	1	8	3	0
Violence in the Workplace Regulations	229	348	227	154	123
WHMIS Regulations	288	438	380	298	294
Orders Issued Under Other Acts the Division Enforces					
Smoke-free Places Act	10	6	11	3	2
Smoke-free Places Regulations	0	0	0	1	0
Total Orders (Act and Regs)	4,189	5,204	4,961	3,964	3,738

DISTRIBUTION OF DIVISIONAL ACTIVITIES BY INDUSTRY (%)

Industry	SIC Range	2008/09	2009/10	2010/11	2011/12	2012/13
Accommodation Food, Beverage	9000-9599	5.7	4.2	4.0	6.3	6.2
Agricultural/Related Services	0000-0299	0.3	0.2	1.6	1.1	1.0
Business Services	7700-7999	1.5	0.8	0.9	1.2	1.1
Communications	4800-4999	1.8	2.0	2.1	1.3	1.2
Construction	4000-4499	34.2	35.9	36.1	34.9	39.3
Education Services	8500-8599	0.0	0.4	0.2	0.3	0.1
Finance and Insurance	7000-7499	0.0	0.0	0.1	0.0	0
Fishing and Trapping	0300-0399	0.2	0.3	0.9	1.4	0.5
Government Services	8000-8499	4.8	3.2	2.9	3.4	3.4
Health and Social Services	8600-8999	6.6	11.4	5.9	5.6	3.4
Logging and Forestry	0400-0599	0.4	0.6	0.5	0.6	0.4
Manufacturing	1000-3999	17.0	14.8	15.2	12.3	10.3
Mining, Quarrying, and Oil	0600-0999	4.8	3.7	1.6	3.1	1.3
Other Services	9600-9999	3.1	3.1	3.0	2.9	4.0
Real Estate / Insurance	7500-7699	1.3	1.2	1.2	1.2	1.9
Retail Trade	6000-6999	12.1	10.8	14.6	16.6	15.9
Transportation and Storage Industries	4500-4799	1.1	1.6	1.7	1.9	1.6
Wholesale Trade	5000-5999	5.1	5.6	7.5	5.9	8.4

DISTRIBUTION OF COMPLAINT INSPECTIONS BY INDUSTRY TYPE (%)

Industry	SIC Range	2008/09	2009/10	2010/11	2011/12	2012/13
Accommodation, Food, and Beverage	9000-9599	8.6	4.9	3.9	7.0	6.6
Agricultural and Related Services	0000-0299	0.4	0.0	1.1	0.3	0.6
Business Services	7700-7999	2.5	2.0	1.4	2.4	1.8
Communications	4800-4999	2.5	2.5	2.5	1.9	1.2
Construction	4000-4499	36.7	38.7	41.7	42	45
Education Services	8500-8599	0.0	0.5	0.0	0.3	0.2
Finance and Insurance	7000-7499	0.0	0.0	0.2	0.0	0.0
Fishing and Trapping	0300-0399	1.6	0.0	0.9	1.5	0.3
Government Services	8000-8499	3.3	3.4	3.1	5.2	3.9
Health and Social Services	8600-8999	2.9	8.8	5.0	3.7	4.3
Logging and Forestry	0400-0599	0.8	1.5	0.6	0.4	0.3
Manufacturing	1000-3999	18.4	12.3	13.5	11.2	8.9
Mining, Quarrying, and Oil	0600-0999	2.5	0.5	0.5	1.1	0.3
Other Services	9600-9999	4.5	4.4	3.9	4.7	4.8
Real Estate / Insurance	7500-7699	0.8	2.9	1.6	2.3	2.5
Retail Trade	6000-6999	8.6	8.8	11.9	8.4	9.7
Transportation and Storage Industries	4500-4799	1.6	3.4	2.2	1.9	1.3
Wholesale Trade	5000-5999	4.5	5.4	6.0	5.7	8.3

DISTRIBUTION OF TARGETED INSPECTIONS BY INDUSTRY (%)

Industry	SIC Range	2008/09	2009/10	2010/11	2011/12	2012/13
Accommodation, Food, and Beverage	9000-9599	6.4	7.0	6.0	6.1	8.5
Agricultural and Related Services	0000-0299	1.7	0.5	3.2	1.8	3.4
Business Services	7700-7999	0.6	0.5	0.0	0.3	0.4
Communications	4800-4999	0.0	1.9	1.3	0.6	0.8
Construction	4000-4499	12.7	13.1	13.9	15.5	16.1
Education Services	8500-8599	0.0	0.0	0.0	0.0	0.0
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.0	0.0
Fishing and Trapping	0300-0399	0.0	0.0	0.3	0.0	0.0
Government Services	8000-8499	3.5	0.0	2.2	0.3	8.9
Health and Social Services	8600-8999	17.3	30.4	13.0	14.0	8.5
Logging and Forestry	0400-0599	0.0	0.0	0.3	0.9	0.0
Manufacturing	1000-3999	24.3	15.4	19.0	14.6	17.8
Mining, Quarrying, and Oil	0600-0999	0.0	1.9	0.6	1.5	0.0
Other Services	9600-9999	2.3	0.9	3.5	1.2	4.7
Real Estate / Insurance	7500-7699	1.7	0.5	2.2	0.3	0.8
Retail Trade	6000-6999	22.5	20.6	23.1	33.3	20.8
Transportation and Storage Industries	4500-4799	0.0	0.0	1.9	2.9	1.7
Wholesale Trade	5000-5999	6.9	7.5	9.5	6.7	7.6

DISTRIBUTION OF ORDERS BY INDUSTRY (%)

Industry	SIC Range	2008/09	2009/10	2010/11	2011/12	2012/13
Accommodation, Food, and Beverage	9000-9599	10.6	6.9	6.2	10.9	7
Agricultural and Related Services	0000-0299	1.3	0.7	1.4	1.7	0.4
Business Services	7700-7999	1.7	0.5	1.1	0.5	0.7
Communications	4800-4999	2.0	1.6	1.7	1.0	0.8
Construction	4000-4499	27.1	22.9	24.5	25.6	28.1
Education Services	8500-8599	0.0	0.1	0.1	0.2	0.0
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.0	0.0
Fishing and Trapping	0300-0399	0.3	0.1	1.5	1.8	0.3
Government Services	8000-8499	2.9	2.1	3.2	1.7	1.6
Health and Social Services	8600-8999	1.2	5.9	2.8	3.0	1.5
Logging and Forestry	0400-0599	1.2	0.0	0.4	0.3	0.2
Manufacturing	1000-3999	17.8	15.6	17.2	11.9	11.3
Mining, Quarrying, and Oil	0600-0999	5.9	4.5	4.2	2.5	1.4
Other Services	9600-9999	3.6	4.0	3.1	2.7	5.2
Real Estate / Insurance	7500-7699	0.5	0.9	0.4	0.9	1.8
Retail Trade	6000-6999	13.6	26.3	20.6	25.2	24.3
Transportation and Storage Industries	4500-4799	0.2	1.1	1.7	2.1	1.8
Wholesale Trade	5000-5999	10.2	6.8	9.9	8.0	13.6

RATIO OF ORDERS TO ACTIVITIES BY INDUSTRY

Industry	SIC Range	2008/09	2009/10	2010/11	2011/12	2012/13
Accommodation, Food, and Beverage	9000-9599	1.9	1.6	1.5	1.7	1.1
Agricultural and Related Services	0000-0299	4.3	3.5	0.9	1.5	0.4
Business Services	7700-7999	1.1	0.6	1.1	0.4	0.6
Communications	4800-4999	1.1	0.8	0.8	0.8	0.7
Construction	4000-4499	0.8	0.6	0.7	0.7	0.7
Education Services	8500-8599	0.0	0.0	0.7	0.7	0.0
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.0	0.0
Fishing and Trapping	0300-0399	1.5	0.3	1.6	1.3	0.6
Government Services	8000-8499	0.6	0.7	1.1	0.5	0.5
Health and Social Services	8600-8999	0.2	0.5	0.5	0.5	0.4
Logging and Forestry	0400-0599	3.0	0.0	0.7	0.5	0.5
Manufacturing	1000-3999	1.0	1.1	1.1	1.0	1.1
Mining, Quarrying, and Oil	0600-0999	1.2	1.2	2.5	0.8	1.1
Other Services	9600-9999	1.2	1.3	1.0	0.9	1.3
Real Estate / Insurance	7500-7699	0.4	0.8	0.3	0.8	0.9
Retail Trade	6000-6999	1.1	2.4	1.4	1.5	1.5
Transportation and Storage Industries	4500-4799	0.2	0.7	1.0	1.1	1.1
Wholesale Trade	5000-5999	2.0	1.2	1.3	1.4	1.6

APPENDIX E: PROSECUTION ACTIVITY

PROSECUTION BREAKDOWN

Categories	Charges Decided				
	2008/09	2009/10	2010/11	2011/12	2012/13
Full-Form Prosecutions Decided	14	5	14	16	10
Full-Form Charges Decided					
Guilty	14	10	18	16	9
Not-Guilty	3	1	0	0	0
Dismissed	4	2[2]	10	0	0
Withdrawn	19	12	15	25	14
Stayed	5	0	0	10	1
Quashed	0	0	0	0	0
Total	45	25	43	51	24
Summary Offence Tickets (SOT) Decided[3]					
Guilty	9	3	10	8	4
Withdrawn	0	3	2	12	0
Total	9	**6**	12	**20**	4

CASE BY CASE RESULTS (FULL-FORM PROSECUTIONS, GUILTY ONLY)

Accused	Charges Decided in 2012/13	Total Penalty
5823 NWT LIMITED	Occupational Health and Safety Act 13-1-a	Not sentenced as of reporting deadline.
AUCOIN ANDRE JOSEPH	Occupational Health and Safety Act 17-1-a	Not sentenced as of reporting deadline.
CHARLESVILLE FISHERIES LIMITED	Occupational Safety General Regulations 9-1	$77,600 fine plus $5,000 alternative fine.
JAMES I GRAY	Occupational Health and Safety Act 13-1-a	$2,000 fine plus $300 victim surcharge.
LENNY'S AUTO CENTRE	Occupational Health and Safety Act 13-1-a	$11,000 fine plus $1,650 victim surcharge.
LES MOINEAUX FISHERIES INCORPORATED	Occupational Safety General Regulations 9-1	$50,000 fine.
LIGNI BEL LTD.	Fall Protection and Scaffolding Regulations 7-1	$5,000 fine plus $750 victim surcharge.
MCPHEE DARREN	Occupational Health and Safety Act 15-a	Not sentenced as of reporting deadline.
RAMAR CONSTRUCTION LTD.	Occupational Health and Safety Act 55-4	$1,500 fine (including costs).

SUMMARY OFFENCE TICKET VERDICTS – GUILTY

Accused	Charges Decided in 2012/13	Total Penalty
DOODADS ELECTRONICS	Failure to Comply	$812.41
DOODADS ELECTRONICS	Failure to Comply	$812.41
DOODADS ELECTRONICS	Failure to Comply	$812.41
DOODADS ELECTRONICS	Failure to Comply	$812.41